



HOPE. DIGNITY. JUSTICE.

1111 9TH STREET, SUITE 230
DES MOINES, IOWA 50314-2527

515-243-2151 OR 800-532-1275
SE HABLA ESPAÑOL
FAX: 515-246-6075
WWW.IOWALEGALAID.ORG

April 19, 2012

Mark Freedman
Senior Assistant General Counsel
Legal Services Corporation
3333 K Street NW
Washington, DC 20007

Sent via email: mfreedman@lsc.gov

RE: Comments to LSC Program Letter 12-1

Dear Mr. Freedman:

Program Letter 12-1 appears to require that financial information be obtained directly from the applicant. If so construed, this would adversely affect the ability of field programs to screen and help many vulnerable clients in an efficient and effective manner unless "applicant is defined to include people who contact recipients on behalf of the person who is the prospective client. Iowa Legal Aid urges the Legal Services Corporation to change Program Letter 12-1 to clarify that recipients may obtain financial eligibility information from the person who contacts a recipient for services for the prospective client.

The purpose of the Program Letter appears to be to ensure that recipients comply with eligibility screening requirements when online intake systems are used. The Program Letter, however, seems to expand the requirement of 45 C.F.R. 1611.7(a)(1) that recipients "make reasonable inquiry regarding sources of income, income prospects, and assets" by requiring recipients to communicate directly with the applicant regarding financial resources. Such a requirement will make eligibility screening more inefficient, and maybe impossible, in two types of cases.

Iowa Legal Aid has many cases in which we represent two or more clients in the same case. For example, we represent husbands and wives in many landlord/tenant cases. If the wife calls in for an intake, we normally obtain the financial eligibility information from her, accept both wife and husband as clients and may never talk with the husband until the time of the hearing. Program Letter 12-1 could be construed to require us, prior to accepting the husband as a client, to talk with him to obtain the same financial information that we obtained from the wife. This would cause the intake process to be more time-consuming for the clients and Iowa Legal Aid, while also being confusing for the clients, who would wonder why taxpayer funds are being used to ask them both for the same information.

The other category of cases that would be adversely affected by Program Letter 12-1 would be cases in which the applicant is not able to understand the financial eligibility issues. Iowa Legal Aid has numerous clients who have cognitive or physical impairments that prevent them from applying for legal assistance or conveying accurate financial information by themselves. Many of these clients contact Iowa Legal Aid through family or friends who are their caregivers. The financial eligibility information is obtained from the caregivers, even though the caregivers may not be the legal guardians or conservators of the clients. Program Letter 12-1 would seem to require Iowa Legal Aid to contact the actual clients to verify financial eligibility, even though doing so would serve no purpose because the clients would not be able to verify the information. Program Letter 12-1 could be read to prevent us from representing these vulnerable people, or require the caregivers to first become legal guardians or conservators.

Program Letter 12-1 should be changed to clearly allow recipients to obtain the financial eligibility information from the person who contacts a recipient for services for the prospective client. This would allow a person to apply for assistance for her spouse. It would also allow a caregiver to apply for legal assistance for the person being cared for. It would also comply with 45C.F.R. 1611.7(a)(1), which only requires "reasonable inquiry regarding sources of income, income prospects, and assets." The regulation does not require direct communication with the prospective client.

It should be noted that the LSC CSR Handbook may also need to be revised. Sections 5.3 and 5.4 of the Handbook both require programs to "ask sufficient questions of the applicant" about financial eligibility information. There is no definition of "applicant," in the Handbook, so unless LSC considers the word "applicant" to include people contacting recipients for services on behalf of the prospective client, then our comments about Program Letter 12-1 would also apply to the CSR Handbook.

Thank you for the opportunity to comment on the draft program letter and for your consideration of our comments.

Sincerely,

A handwritten signature in cursive script, reading "Dennis Groenenboom".

Dennis Groenenboom

Executive Director

Direct Phone: 515-243-2980, Ext. 1620

Email: dgroenenboom@iowalaw.org

DG/ak